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Attorneys for Defendants
County of Alameda and Yesenia Sanchez

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

JOSE ANTONIO GARCIA,
Plaintiff,

v.

COUNTY OF ALAMEDA and
YESENIA SANCHEZ, Sheriff of
Alameda County, in her official
capacity,

Defendants.

Case No. 3:24-cv-3997-RS

**STIPULATION AND
ORDER CONTINUING
DEADLINE FOR
DEFENDANTS' RESPONSIVE
PLEADING AND CASE
MANAGEMENT CONFERENCE**

The Hon. Richard Seeborg

Trial Date: None Set

1 Pursuant to Civil Local Rule 6-2, and as stated in the attached Declaration of
2 Matthew D. Zinn, the parties to this action, by their respective counsel of record,
3 hereby stipulate as follows:

4 WHEREAS, Plaintiff filed this action on July 2, 2024, and served Defendants
5 with the Summons and Complaint on July 11, 2024;

6 WHEREAS, Plaintiffs filed a Motion for Preliminary Injunction (“PI Motion”)
7 on July 23, 2024 (Doc. No. 15);

8 WHEREAS, the parties agreed to extend the time for Defendants’ responsive
9 pleading because the Court’s order on the PI Motion would inform Defendants’
10 decision whether to answer the Complaint or move to dismiss and could avoid the
11 need for such a motion (Doc. No. 18);

12 WHEREAS, on August 1, 2024, the Court granted the parties’ stipulated
13 request to allow Defendants to file their response to the complaint within 30 days
14 after the Court rules on the PI Motion (Doc. No. 19);

15 WHEREAS, the Court thereafter continued the Case Management
16 Conference to December 12, 2024 (Doc. No. 21), and then to January 9, 2025 (Doc.
17 No. 24);

18 WHEREAS, the Court issued an Order Denying Motion for Preliminary
19 Injunction (“PI Order”) on October 11, 2024, concluding that Plaintiff “is unlikely to
20 succeed on the merits of his claim” (Doc. No. 26 at 12);

21 WHEREAS, based on the date of the PI Order, Defendants’ responsive
22 pleading is currently due on November 12, 2024;

23 WHEREAS, Plaintiff is considering whether to amend the complaint or take
24 an appeal from the PI Order, and the deadline for filing such an appeal is
25 November 12, 2024;

26 WHEREAS, Defendants contend that the Court’s reasoning in the PI Order
27 effectively disposes of Plaintiff’s claims in this action, and Defendants therefore
28 expect to file a motion to dismiss;

1 WHEREAS, insofar as Plaintiff's decision whether to amend or appeal may
2 determine whether a motion to dismiss is necessary, and because Defendants wish
3 to avoid the expense of such a motion, the parties agree it will conserve the
4 resources of the parties and the Court to extend Defendants' deadline for filing a
5 motion; and

6 WHEREAS, the parties agree that the need for a Case Management
7 Conference may be obviated by the parties' decisions about an amendment, appeal,
8 and motion to dismiss, and they therefore propose to continue the Case
9 Management Conference and related deadlines;

10 NOW, THEREFORE, the parties hereby stipulate and request that the Court
11 order that:

12 1. The time for Defendants to file a responsive pleading is extended by 30
13 days to December 12, 2024.

14 2. The Case Management Conference is continued approximately 60 days
15 to March 13, 2025.

16 3. All deadlines related to the Case Management Conference are
17 continued accordingly.

18 I hereby attest that all other signatories listed, and on whose behalf this
19 stipulation is submitted, concur in this stipulation's content and have authorized
20 its filing.

21
22 DATED: October 31, 2024

SHUTE, MIHALY & WEINBERGER LLP

23
24 By: /s/Matthew D. Zinn

25 MATTHEW D. ZINN

26 AARON M. STANTON

27 Attorneys for Defendants

28 County of Alameda and Yesenia Sanchez

1 DATED: October 31, 2024

FIRST AMENDMENT COALITION

4 By: /s/David Loy

5 DAVID LOY

6 ANN CAPPETTA

7 Attorneys for Plaintiff

8 Jose Antonio Garcia

9
10 **ORDER**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED.

12
13 DATED: October 31, 2024

14
15 
16 The Hon. Richard Seeberg